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PATENT
ATTORNEY DOCKET NO.: 040894-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Yoshinobu IMOTO)	Confirmation No.: 1179
)	
Application No.: 10/784,805)	Group Art Unit: 2621
)	
Filed: February 24, 2004)	Examiner: O. Adegeye
)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37 TRANSMITTAL FORM

1. Transmitted herewith is an Appellants' Brief Under 37 C.F.R. § 41.37, which is being submitted further to the Notice of Appeal filed July 30, 2008.
2. Additional papers enclosed.

<input type="checkbox"/>	Drawings: <input type="checkbox"/> Formal <input type="checkbox"/> Informal (Corrections)
<input type="checkbox"/>	Information Disclosure Statement
<input type="checkbox"/>	Form PTO-1449, ___ references included
<input type="checkbox"/>	Citations
<input type="checkbox"/>	Declaration of Biological Deposit
<input type="checkbox"/>	Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
3. Oral Hearing Under 37 C.F.R. § 41.37

<input type="checkbox"/>	Oral hearing is hereby requested.
<input type="checkbox"/>	Fee under 37 C.F.R. § 1.17(d) is enclosed.

4. Extension of time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply.

☐ Appellants petition for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Extension of time fee due with this request: \$

☒ If an extension of time is required, please consider this a Petition therefor.

5. Fee Payment

☐ No fee is to be paid at this time.

☒ The Commissioner is hereby authorized to charge \$ 510.00 (\$510.00 for the appellants' brief fee 37 C.F.R. § 41.20(b)(2) and \$_____ for the extension of time fee 37 C.F.R. § 1.17(a)) to Deposit Account No. 50-0310.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 26, 2008

By: 

Robert J. Goodell
Reg. No. 41,040

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PATENT
ATTORNEY DOCKET NO.: 040894-7000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
)	
Yoshinobu IMOTO)	Confirmation No.: 1179
)	
Application No.: 10/784,805)	Group Art Unit: 2621
)	
Filed: February 24, 2004)	Examiner: O. Adegeye
)	
For: DVD PLAYER AND OPTICAL DISK)	
REPRODUCTION APPARATUS)	

United States Patent and Trademark Office
Customer Service Window, **MAIL STOP APPEAL BRIEF-PATENTS**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

This Appeal Brief is in furtherance of the Notice of Appeal filed on July 30, 2008. A fee of \$510.00 as set forth under 37 C.F.R. § 41.20(b)(2) is being filed concurrently herewith. The period for filing this brief extends through September 30.

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1. Real Party In Interest

The real party in interest in this appeal is FUNAI ELECTRIC CO., LTD., of Osaka, Japan.

2. Related Appeals and Interferences

Appellant is unaware of any other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

3. Status of Claims

The status of the claims is as follows:

- Claims canceled: none
- Claims withdrawn: none
- Claims pending: 1-13
- Claims rejected: 1-13
- Claims objected to: none
- Claims allowed: none.

The claims on appeal are 1-13.

4. Status of Amendments

A Request for Reconsideration with no amendments therein was filed in this case on April 30, 2008. The Request for Reconsideration has been considered by the Examiner and entered into the record. No further amendments have been filed subsequent to the Final Office Action dated February 1, 2008. A copy of the appealed claims is attached as Section 8, "Claims Appendix."

5. Summary of the Claimed Subject Matter

Aspects of Appellant's present invention relate generally to a DVD player and an optical disk reproduction apparatus. The present invention, as summarized below, is described in detail

at least in Page 3 (line 22) to Page 4 (line 5), Page 6 (line 18) to Page 14 (line 19) of the specification, with reference to Figures 1-4.

In accordance with the exemplary embodiment of the invention of independent claim 1 and as shown in the exemplary illustrations of Figures 1-4, a DVD player 1 comprises (a) a body (Page 6, Line 24), (b) reading means 3 (Page 6, line 22 to Page 7, line 17, and Fig. 1) for reading moving image data which is recorded on an optical disk set in the body and is compressed in an MPEG format, (c) decoding means 5, 7 (Page 6, line 25 to Page 8, line 15, and Fig. 1) for decoding the moving image data read by the reading means 3, (d) video signal output means 8 (Page 6, lines 5-8, Page 8, lines 9-18, and Fig. 1) for outputting a reproduction video signal of the moving image data decoded by the decoding means 5, 7, (e) determination means 6 (Page 7, Lines 2-3 and lines 14-17, Page 7, line 25 to Page 8, line 8, Page 13, lines 3-20, Figs. 2 and 4, S7-S14) in which when an extension of a still image file instructed to be reproduced is JPG, a header of the still image file is analyzed and it is determined whether or not the still image file is a still image file that is compressed in a decodable format to the body within JPG extension in the body, and (f) reading stop means (element 2 of Fig. 1, executing S8 of Figs. 2 and 4, and Page 7, lines 7-8) for stopping reading of the still image file by the reading means when the determination means determines that the still image file is the still image that is not decodable in the body. The video signal output means 8 outputs a predetermined video signal when the determination means 6 determines that the still image file is the still image file that is not decodable in the body (S8 of Figs. 2 and 4).

In accordance with the exemplary embodiment of the invention of independent claim 2 and as shown in the exemplary illustrations of Figures 1-4, an optical disk reproducing apparatus 1 comprises (a) a body (Page 6, Line 24), (b) reading means 3 (Page 6, line 22 to Page 7, line 17, and Fig. 1) for reading image data recorded on an optical disk set in the body, (c) decoding means 5, 7 (Page 6, line 25 to Page 8, line 15, and Fig. 1) for decoding the image data read by the reading means 3, (d) video signal output means 8 (Page 6, lines 5-8, Page 8, lines 9-18, and Fig. 1) for outputting a reproduction video signal of the image data decoded by the decoding means 5, 7, (e) determination means 6 (Page 7, Lines 2-3 and lines 14-17, Page 7, line 25 to Page 8, line 8,

Page 13, lines 3-20, Figs. 2 and 4, S7-S14) in which when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the still image file is analyzed and it is determined whether or not the still image file is a still image file that is compressed in a decodable format to the body within the predetermined extension, and (f) reading stop means (element 2 of Fig. 1, executing S8 of Figs. 2 and 4, and Page 7, lines 7-8) for stopping reading of the still image file by the reading means when the determination means 6 determines that the still image file is a still image file that is not decodable in the body (S8 of Figs. 2 and 4).

In accordance with the exemplary embodiment of the invention of independent claim 6 and as shown in the exemplary illustrations of Figures 1-4, an optical disk reproducing apparatus 1 comprises (a) a reading unit 3 that reads image data recorded on an optical disk, (b) a decoding unit 5, 7 that decodes the image data read by the reading unit 3, (c) a video signal output unit 8 that outputs a reproduction video signal of the image data decoded by the decoding unit 5, 7, (d) a determination unit 6 in which when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the still image file is analyzed and it is determined whether or not the still image file is a still image file that is compressed in a decodable format within the predetermined extension, and (e) a reading stop unit (element 2 of Fig. 1, executing S8 of Figs. 2 and 4) that stops reading of the still image file by the reading unit when the determination unit 6 determines that the still image file is a still image file that is not decodable.

In accordance with the exemplary embodiment of the invention of independent claim 10 and as shown in the exemplary illustrations of Figures 1-4, an optical disk reproducing apparatus 1 comprises: (a) a reading unit 3 that reads image data recorded on an optical disk; (b) a first decoding unit 5 that decodes moving image data, (c) a second decoding unit 7 that decodes still image file including still image data, (d) a switching unit 4 that receives the image data from the reading unit 3, outputs the image data to the first decoding unit 5 when the image data is the moving data, and outputs the image data to the second decoding unit 7 when the image data is the still image data, (e) a header analysis unit 6 that is disposed between the switching unit 4 and the

second decoding unit 7 and analyzes a header of the still image file, (f) a video signal output unit 8 that is connected to the first decoding unit 5 and the second decoding unit 7 and outputs a reproduction video signal of the image data decoded by the first decoding unit 5 or by the second decoding unit 7, and (g) a control unit 2 that determines whether or not an extension of the still image file is a predetermined extension. When the control unit 2 determines that extension of the still image file is the predetermined extension, the header analysis unit 6 analyzes the header of the still image file and determines whether or not the still image file is a still image file that is compressed in a decodable format within the predetermined extension, and reading of the still image file by the reading unit 2 is stopped when the header analysis unit 6 determines that the still image file is a still image file that is not decodable.

6. Grounds of Rejection To Be Reviewed On Appeal

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) being unpatentable over U.S. Publication No. 2002/0118327 A1 to *Um et al.* in view of U.S. Patent No. 6,937,356 B1 to *Ito et al.* and U.S. Patent No. 5,469,272 to *Kubota et al.*

7. Argument

Appellant respectfully asserts that the rejections under 35 U.S.C. § 103(a) are improper and should be reversed.

A. The references, either singularly or combined, do not teach all the claimed limitations of independent claims 1, 2, 6 or 10

Independent Claim 1

With respect to independent claim 1, the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) acknowledges that *Um et al.* does not disclose the “determination means” as recited in independent claim 1, but alleges that *Kubota et al.* in column 21 and *Ito et al.* in column 17 discloses this “determination means.” In addition, the Advisory Action dated June 23, 2008 alleges that *Ito et al.* discloses in column 17 the “determination

means” recited in claim 1. Appellant respectfully disagrees. Independent claim 1 recites a “determination means in which *when an extension of a still image file instructed to be reproduced is JPG, a header of the still image file is analyzed* and it is determined whether or not the still image file is a still image file that is compressed *in a decodable format* to the body *within JPG extension* in the body.” (emphasis added).

As supported by Page 10 (Line 14) to Page 11 (Line 18) of the Specification and Figure 2, even when an extension of a still image file instructed to be introduced has a JPG file extension and is thus “within JPG extension,” it may not be in a JPEG format that is “in a decodable format to the body.” A file that is in the progressive JPEG format (a type of JPEG compression format), for example, is a file “within JPEG extension” but not necessarily in a JPEG format that is decodable to the body. In addition, as supported by Page 12 (Line 21) to Page 8 (Line 8) of the Specification and Figure 4, even when an extension of a still image file instructed to be introduced has a JPG file extension and is thus “within JPG extension,” the still image file may not actually be an entity in the JPEG format at all and thus not “in a decodable format to the body.” A file that is in the GIF format, for example, is such a file “within JPG extension” but is not actually in the JPEG format and thus in a “decodable format to the body.” An image file in the true JPEG format, however, would be in a “decodable format to the body within JPG extension in the body.”

By contrast, *Ito et al.* merely discloses a digital camera print system having a file retrieval means 604 that retrieves files having a JPG file extension (Column 17, lines 5-7) and a picture information analyzing means 621 that analyzes the header portion of the JPG file only to extract expansion parameters necessary for JPG demodulation (Column 17, lines 44-51). In *Ito et al.*, no determination is made as to whether or not the still image is a still image file that is compressed in a decodable format to the body within JPG extension in the body. In *Ito et al.*, when an extension of a still image file instructed to be introduced is JPG, it is automatically assumed that the image file is in the JPEG format. For example, according to Column 17, lines 22-25, “only desired picture files can be retrieved” and “files other than those having a file extension .jpg or an extension corresponding to a readable picture format are neglected.” No where in *Ito et al.* is

there any disclosure of an effort to distinguish between image files that has an .jpg extension but nevertheless is not in the JPEG format and thus not decodable to the body.

In *Ito et al.*, although the picture information analyzing means 621 analyzes the header of the image file, it does so merely to obtain data necessary for demodulation to allow a demodulation means 622 to use such information to expand the compressed image file. This is a well known process in the field of image compression. By contrast, the determination means 6 of the present invention analyzes the header of an image file in a different way and for a very different purpose. For example, as supported by Page 10 (Lines 14-24), Page 13 (Lines 8-15) and Figure 4, when the determination means 6 analyzes in S7 whether the still image file instructed to be reproduced has a JPG extension, the determination means 6 starts reading of a header of the still image file in S9. Determination means 6 analyzes whether the marker [FFC2] indicating that the still image file is a progressive JPEG format is present in the header. If a marker [FFC2] is not found and a marker [FFDA] indicating a scan start is found, it is determined whether or not a code of [JFIF] or [EXIF] has been included in the header. The code of [JFIF] or [EXIF] is a code indicating that a file is a file of a JPEG format and is always included in the header of a file in the JPEG format, regardless whether the file is in the progressive or non-progressive JPEG format. Thus, the determination means 6 of the present invention analyzes the header of the image file not merely to extract information necessary for demodulating the file.

Kubota et al., cited in the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007), differs even more drastically than *Ito et al.* from the present invention recited in independent claim 1. *Kubota et al.* merely discloses a magnetic video tape recorder that can determine whether or not a signal recorded on magnetic video tape belongs to a certain mode (either a PCM audio signal recording mode, a still picture recording mode, or a still picture recording extension mode) either subject or not subject to interchangeability (column 3, lines 14 – 22). There is no doubt that in *Kubota et al.*, no determination is even made as to whether an “extension of a still image file instructed to be reproduced is JPG,” and no

determination is made as to whether or not the still image is a still image file that is “compressed in a decodable format to the body” although “within JPG extension in the body.”

In fact, the invention described in *Kubota et al.* can be clearly distinguished from the present invention. *Kubota et al.* describes recording audio signals to designated blocks constituting an “audio area” on a magnetic tape and briefly describes that each block constituting part of an “audio area” has a certain “header format” (column 2, lines 26-43). The mode of a particular signal recorded on the magnetic video tape depends on a particular ID stored in this “audio area.” (column 8, lines 63-64, column 9, lines 1-5). *Kubota et al.* must be distinguished from the present invention recited in claim 1 because whether a still image file is in the JPEG format is determined by analyzing the header of the still image itself, and not the designated area of a physical block on a physical track of a magnetic tape.

As indicated above, Appellant respectfully notes that *Um et al.*, cited in the rejection of the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) has been explicitly acknowledged to lack the “determination means” as recited in claim 1. As such, Appellant asserts that *Um et al.* has not been applied with regard to the “determination means.”

Moreover, Appellant respectfully points out that the present invention as recited in claim 1 is directed to speedily notifying a user that a still image file cannot be reproduced by stopping reproduction as soon as it is determined that the file does not have a JPG extension (Page 3, line 22 to Page 4, line 5, Fig. 2 and Fig. 4, S8). Thus, claim 1 recites a “reading stop means for stopping reading of the still image file by the reading means when the determination means determines that the still image file is the still image that is not decodable in the body.” Again, Appellants respectfully asserts that neither *Ito et al.*, *Kubota et al.*, nor *Um et al.* discloses such a feature. First, the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) does not assert that *Ito et al.* or *Um et al.* discloses such a feature. Second, contrary to that alleged by the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007), *Kubota et al.* merely discloses in column 21-22 that if a picture belongs

to the still picture recording dedicated mode, the user can be apprised of that fact. Nowhere in *Kubota et al.*, however, is there a “reading stop means for stopping reading” immediately after such determination. Thus, it is not certain in *Kubota et al.* that the mode of a file can be speedily determined, as the determination is not performed at the very beginning of attempting to reproduce the file itself.

Independent Claims 2 and 6

With respect to independent claims 2 and 6, the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) acknowledges that *Um et al.* does not disclose the “determination means” recited in claim 2 or the “determination unit” recited in claim 6, but alleges that *Kubota et al.* in column 21 and *Ito et al.* in column 17 discloses the “determination means” and “determination unit.” In addition, the Advisory Action dated June 23, 2008 alleges that *Ito et al.* discloses in column 17 the “determination means” recited in claim 2 and the “determination unit” recited in claim 6. Appellant respectfully disagrees. Independent claim 2 recites “a determination means in which *when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the still image file is analyzed* and it is determined whether or not the still image file is a still image file that is compressed *in a decodable format* to the body *within the predetermined extension.*” (emphasis added). Independent claim 6 recites “a determination means in which *when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the still image file is analyzed* and it is determined whether or not the still image file is a still image file that is compressed *in a decodable format within the predetermined extension.*”

As supported by Page 10 (Line 14) to Page 11 (Line 18) of the Specification and Figure 2, even when an extension of a still image file instructed to be introduced has a predetermined file extension such as the .JPG extension and is thus “within the predetermined extension,” it may not be “in a decodable format.” For example, if the predetermined file extension is .JPG, a file that is in the progressive JPEG format is a file “within predetermined extension” but not necessarily in a decodable format. In addition, as supported by Page 12 (Line 21) to Page 8 (Line

8) of the Specification and Figure 4, even when an extension of a still image file instructed to be introduced has a predetermined file extension such as .JPG and is thus “within the predetermined file extension,” the still image file may not be an entity that is in the actual predetermined format at all and thus “in a decodable format.” For example, several different types of files may share the common .JPG title while not all such types of files are actually in the JPEG format. A file that is in the GIF format is a file “within the predetermined extension” of .JPG but is not actually in the JPEG format and thus in a “decodable format.” An image file in the true JPEG format, however, would be in a “decodable format” and “within the predetermined extension.”

By contrast, *Ito et al.* merely discloses a digital camera print system having a file retrieval means 604 that retrieves files having a JPG file extension (Column 17, lines 5-7) and a picture information analyzing means 621 that analyzes the header portion of the JPG file only to extract expansion parameters necessary for JPG demodulation (Column 17, lines 44-51). In *Ito et al.*, no determination is made as to whether or not the still image is both compressed in a decodable format and within the predetermined extension. In *Ito et al.*, when an extension of a still image file instructed to be introduced is the predetermined extension of .JPG, it is automatically assumed that the image file is in the JPEG format. For example, according to Column 17, lines 22-25, “only desired picture files can be retrieved” and “files other than those having a file extension .jpg or an extension corresponding to a readable picture format are neglected.” No where in *Ito et al.* is there any teaching or suggestion of an effort to distinguish between image files that has the predetermined .jpg extension but nevertheless is not in the JPEG format and thus not decodable to the body.

In *Ito et al.*, although the picture information analyzing means 621 analyzes the header of the image file, it does so merely to obtain data necessary for demodulation to allow a demodulation means 622 to use such information to expand the compressed image file. This is a well known process in the field of image compression. By contrast, the determination means 6 of the present invention analyzes the header of an image file in a different way and for a very different purpose and. For example, as supported by Page 10 (Lines 14-24), Page 13 (Lines 8-15) and Figure 4, when the determination means 6 analyzes in S7 whether the still image file

instructed to be reproduced has a predetermined .JPG extension, the determination means 6 starts reading of a header of the still image file in S9. Determination means 6 analyzes whether the marker [FFC2] indicating that the still image file is a progressive JPEG format is present in the header. If a marker [FFC2] is not found and a marker [FFDA] indicating a scan start is found, it is determined whether or not a code of [JFIF] or [EXIF] has been included in the header. The code of [JFIF] or [EXIF] is a code indicating that a file is a file of a JPEG format and is always included in the header of a file in the JPEG format, regardless whether the file is in the progressive or non-progressive JPEG format. Thus, the determination means 6 of the present invention analyzes the header of the image file not merely to extract information necessary for demodulating the file.

Kubota et al., cited in the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007), differs even more drastically than *Ito et al.* from the present invention recited in independent claims 2 and 6. *Kubota et al.* merely discloses a magnetic video tape recorder that can determine whether or not a signal recorded on magnetic video tape belongs to a certain mode (either a PCM audio signal recording mode, a still picture recording mode, or a still picture recording extension mode) either subject or not subject to interchangeability (column 3, lines 14 – 22). In *Kubota et al.*, when determination is made that the signal belongs to a certain mode, no further determination is made as to whether or not the signal is compressed in a decodable format within the predetermined extension. Moreover, as described above with respect to independent claim 1, the invention described in *Kubota et al.* can be clearly distinguished from the present invention recited in independent claims 2 and 6. In *Kubota et al.*, the mode of a particular signal recorded on the magnetic video tape depends on a particular ID stored in an “audio area” on a physical track of a physical magnetic tape (column 8, lines 63-64, column 9, lines 1-5). *Kubota et al.* must be distinguished from the present invention recited in claim 1 because whether a still image file is in a certain format such as the JPEG format is determined by analyzing the header of the still image itself, and not the designated area of a physical block on a physical track of a magnetic tape.

As indicated above, Appellant respectfully notes that *Um et al.*, cited in the rejection of

the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) has been explicitly acknowledged to lack the “determination means” or the “determination unit” as recited in claims 2 and 6. As such, Appellant asserts that *Um et al.* has not been applied with regard to the “determination means” or the “determination unit.”

Moreover, Appellant respectfully points out that the present invention as recited in claims 2 and 6 are directed to speedily notifying a user that a still image file cannot be reproduced by stopping reproduction as soon as it is determined that the file does not have a predetermined extension (Page 3, line 22 to Page 4, line 5, Fig. 2 and Fig. 4, S8). Thus, claim 2 recites a “reading stop means for stopping reading of the still image file by the reading means when the determination means determines that the still image file is the still image that is not decodable in the body” and claim 6 recites “a reading stop unit that stops reading of the still image file by the reading unit when the determination unit determines that the still image file is a still image file that is not decodable.” Again, Appellants respectfully asserts that neither *Ito et al.*, *Kubota et al.*, nor *Um et al.* discloses such a feature. First, the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) does not assert that *Ito et al.* or *Um et al.* discloses such a feature. Second, contrary to that alleged by the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007), *Kubota et al.* merely discloses in column 21-22 that if a picture belongs to the still picture recording dedicated mode, the user can be apprised of that fact. Nowhere in *Kubota et al.*, however, is there a “reading stop means” or “reading stop unit” for stopping reading immediately after such determination. Moreover, as explained in detail above, the mode of a signal in *Kubota et al.* is determined by data stored in a physical section of a magnetic tape. Thus, it is not certain in *Kubota et al.* that the mode of a file can be speedily determined as the determination is not performed at the very beginning of attempting to reproduce the file itself.

Independent Claim 10

With respect to independent claim 1, the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) acknowledges that *Um et al.* does not disclose the

“header analysis unit” as recited in independent claim 10, but alleges that *Kubota et al.* in column 21 and *Ito et al.* in column 17 discloses the “header analysis unit” recited in claim 10. In addition, the Advisory Action dated June 23, 2008 alleges that *Ito et al.* discloses in column 17 the “header analysis unit” recited in claim 10. Appellant respectfully disagrees. Independent claim 2 recites a header analysis unit that “analyzes the header of the still image file and determines whether or not the still image file is a still image file that is compressed in a decodable format within the predetermined extension” when the control unit determines that extension of the still image file is the predetermined extension.

As similar to the discussion above with respect to independent claims 2 and 6, neither *Ito et al.* nor *Kabuto et al.* teaches such a header analysis unit. In *Ito et al.*, when an extension of a still image file instructed to be introduced is the predetermined extension of .JPG, it is automatically assumed that the image file is in the JPEG format. No additional determination is made as to whether or not the still image is both compressed in a decodable format and within the predetermined extension. In *Kubota et al.*, when it is determined that the signal belongs to a certain mode, no further determination is made as to whether or not the signal is compressed in a decodable format within the predetermined extension.

Appellant again respectfully notes that *Um et al.*, cited in the rejection of the final Office Action dated February 01, 2008 (and the Office Action dated August 09, 2007) has been explicitly acknowledged to lack the “header analysis unit” as recited in claims 2 and 6. As such, Appellant asserts that *Um et al.* has not been applied with regard to this feature.

Moreover, as described above, nowhere in *Um et al.*, *Kubota et al.*, or *Ito et al.* is there disclosure of *stopping reading immediately* after the header analysis unit determines that the still image file is a still image file that is not decodable.

Therefore, Appellant respectfully asserts that neither *Um et al.*, *Ito et al.*, nor *Kubota et al.*, whether taken singly or combined, teach or suggest each feature of independent claims 1, 2, 6, and 10. Accordingly, Appellant respectfully asserts that the rejections under 35 U.S.C. § 103(a) of independent claims 1, 2, 6 and 10 are improper and should be reversed.

B. The rejection of dependent claims 3-5, 7-9 and 11-13 are also improper and should be reversed

Appellant respectfully asserts that dependent claims 3-5, 7-9, and 11-13 are allowable at least because of their dependence from independent claims 1, 2, 6, and 10 and the reasons set forth above. Accordingly, Appellant respectfully asserts that the rejections under 35 U.S.C. § 103(a) of dependent claims 3-5, 7-9, and 11-13 are improper and should be reversed.

Conclusion

In view of the foregoing, Appellant respectfully requests the reversal of the Examiner's rejection and allowance of the pending claims. If there are any other fees due in connection with the filing of this Appeal Brief, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 50-0310.

Respectfully submitted,


MORGAN, LEWIS & BOCKIUS LLP

By: _____

Robert J. Goodell
Registration No. 41,040

Dated: September 26, 2008

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8. Claims Appendix

Subsequent to entry of the Amendment under 37 C.F.R. §1.116, the claims read as follows:

1. A DVD player comprising:

a body;

reading means for reading moving image data which is recorded on an optical disk set in the body and is compressed in an MPEG format;

decoding means for decoding the moving image data read by the reading means;

video signal output means for outputting a reproduction video signal of the moving image data decoded by the decoding means;

determination means in which when an extension of a still image file instructed to be reproduced is JPG, a header of the still image file is analyzed and it is determined whether or not the still image file is a still image file that is compressed in a decodable format to the body within JPG extension in the body; and

reading stop means for stopping reading of the still image file by the reading means when the determination means determines that the still image file is the still image that is not decodable in the body;

wherein the video signal output means outputs a predetermined video signal when the determination means determines that the still image file is the still image file that is not decodable in the body.

2. An optical disk reproducing apparatus comprising:

a body;

reading means for reading image data recorded on an optical disk set in the body;

decoding means for decoding the image data read by the reading means;

video signal output means for outputting a reproduction video signal of the image data decoded by the decoding means;

determination means in which when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the still image file is analyzed and it is determined whether or not the still image file is a still image file that is compressed in a decodable format to the body within the predetermined extension; and

reading stop means for stopping reading of the still image file by the reading means when the determination means determines that the still image file is a still image file that is not decodable in the body.

3. The optical disk reproducing apparatus as claimed in claim 2, wherein the video signal output means outputs a predetermined video signal when the determination means determines that the still image file is the still image file that is not decodable in the body.

4. The optical disk reproducing apparatus is claimed in claim 2, wherein the predetermined extension is JPG.

5. The optical disk reproducing apparatus as claimed in claim 2, wherein the decoding means has a function of decoding moving image data compressed in MPEG2.

6. An optical disk reproducing apparatus comprising:
a reading unit that reads image data recorded on an optical disk;
a decoding unit that decodes the image data read by the reading unit;
a video signal output unit that outputs a reproduction video signal of the image data decoded by the decoding unit;

a determination unit in which when an extension of a still image file instructed to be reproduced is a predetermined extension, a header of the still image file is analyzed and it is determined whether or not the still image file is a still image file that is compressed in a decodable format within the predetermined extension; and

a reading stop unit that stops reading of the still image file by the reading unit when the

determination unit determines that the still image file is a still image file that is not decodable.

7. The optical disk reproducing apparatus as claimed in claim 6, wherein the video signal output unit outputs a predetermined video signal when the determination unit determines that the still image file is the still image file that is not decodable.

8. The optical disk reproducing apparatus as claimed in claim 6, wherein the predetermined extension is JPG.

9. The optical disk reproducing apparatus as claimed in claim 6, wherein the decoding unit has a function of decoding moving image data compressed in MPEG2.

10. An optical disk reproducing apparatus comprising:
a reading unit that reads image data recorded on an optical disk;
a first decoding unit that decodes moving image data;
a second decoding unit that decodes still image file including still image data;
a switching unit that receives the image data from the reading unit, outputs the image data to the first decoding unit when the image data is the moving data, and outputs the image data to the second decoding unit when the image data is the still image data;
a header analysis unit that is disposed between the switching unit and the second decoding unit and analyzes a header of the still image file;
a video signal output unit that is connected to the first decoding unit and the second decoding unit and outputs a reproduction video signal of the image data decoded by the first decoding unit or by the second decoding unit; and
a control unit that determines whether or not an extension of the still image file is a predetermined extension;
wherein when the control unit determines that extension of the still image file is the

predetermined extension, the header analysis unit analyzed the header of the still image file and determines whether or not the still image file is a still image file that is compressed in a decodable format within the predetermined extension; and

reading of the still image file by the reading unit is stopped when the header analysis unit determines that the still image file is a still image file that is not decodable.

11. The optical disk reproducing apparatus as claimed in claim 10, wherein the video signal output unit outputs a predetermined video signal when the header analysis unit determines that the still image file is the still image file that is not decodable.

12. The optical disk reproducing apparatus as claimed in claim 10, wherein the predetermined extension is JPG.

13. The optical disk reproducing apparatus as claimed in claim 10, wherein the first decoding unit has a function of decoding moving image data compressed in MPEG2.

9. Evidence Appendix

No information is appended under this section.

10. Related Proceedings Appendix

No information is appended under this section.